

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLES WILLIAMS, GEORGE
RUFFIN, and WANDA TURNER, on Case No. 15-cv-11565
behalf of themselves and all others
similarly situated, Hon. Gershwin A. Drain

Plaintiffs,

v.

K&K ASSISTED LIVING LLC, K&K
ASSISTED LIVING #1 LLC, K&K
ASSISTED LIVING #6 LLC, and
MILTON KENNEDY,

Defendants.

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**JOINT MOTION FOR APPROVAL OF SETTLEMENT
AGREEMENT AND ENTRY OF STIPULATED ORDER OF DISMISSAL**

For the reasons set forth in the brief filed herewith, Plaintiff Charles Williams and Defendants move for approval of the settlement agreement and for entry of a Stipulated Order of Dismissal. A copy of the Stipulation and Order of Dismissal is attached as Exhibit B to the accompanying brief.

Respectfully submitted,

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Dated: April 4, 2016

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**BRIEF IN SUPPORT OF JOINT MOTION FOR APPROVAL
OF SETTLEMENT AGREEMENT AND ENTRY
OF STIPULATED ORDER OF DISMISSAL**

This is a suit for alleged violation of the Fair Labor Standards Act (“FLSA”), including Plaintiff’s allegations that he was retaliated against by Defendants for asserting his rights under the FLSA. Although Defendants deny any liability, Plaintiff Charles Williams (“Plaintiff”) and Defendants have agreed to a settlement, including a stipulated order of dismissal. The settlement agreement between Plaintiff and Defendants is contingent upon its approval by the Court. “When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness.” *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir.1982); *see also Jarrard v. Southeastern Ship Building Corp.*, 163 F.2d 960, 961 (5th Cir. 1947). If a settlement agreement reflects a “reasonable compromise” over issues that are “actually in dispute,” the district court may approve the settlement “in order to promote the policy of encouraging settlement.” *Lynn’s Food Stores, Inc.*, 679 F.2d at 1354.

Here, the settlement agreement between Plaintiff and Defendants is fair in that the amount of the settlement bears a reasonable relationship to the amount in dispute, the costs of proceeding with the litigation, and the risks of proceeding with the litigation. In the settlement that Defendants have offered and Plaintiff has freely agreed to and hereby requested approval of by the Court, Plaintiff will receive \$30,000.00, less attorneys’ fees of \$10,000.00 and expenses totaling \$1,173.09

(inclusive of \$201.00 in court- and service-related expenses, \$829.12 in travel and client-meeting-related expenses, and \$142.97 in postage and delivery expenses), for a net settlement of \$18,826.91. In addition, Defendants will deduct appropriate payroll taxes from one-half of Plaintiff's net settlement amount. These parties reached agreement through "arms length" negotiations and in the context of an "adversarial" proceeding. *Id.* Accordingly, the Court should approve the settlement and enter the stipulated judgment dismissing the case.

For purposes of allowing the Court to review the settlement agreement, the parties' Confidential Settlement, Release, and Waiver Agreement is attached for the Court's review as Exhibit A. The Stipulated Judgment dismissing the case is attached as Exhibit B. Respectfully submitted,

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Dated: April 4, 2016

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2016, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ Robert W. Cowan

Robert W. Cowan

Counsel for Plaintiffs